

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:09CR195
	)	
v.	)	
	)	
HUGO CARLOS BRIZUELA,	)	ORDER
	)	
Defendant.	)	
_____	)	

Before the court is the report and recommendation of United States Magistrate Judge Thomas D. Thalken, Filing No. [44](#). No objection has been filed to the report and recommendation. Pursuant to NECrimR 57.3 and 28 U.S.C. § 636(b)(1), the court has conducted a de novo review of the record and adopts the report and recommendation in its entirety.

THEREFORE, IT IS HEREBY ORDERED that:

1. The report and recommendation, Filing No. [44](#), is adopted in its entirety; and
2. The defendant's motion to dismiss, Filing No. [32](#), is denied.

DATED this 16<sup>th</sup> day of December, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge